

REMARKS

Claims 17, 18 and 20-31 are pending in this application. By this Amendment, claims 17, 20 and 21 are amended and claim 19 is canceled. Support for the amendments to the claims may be found, for example, in the specification at paragraphs [0013]-[0015] and original claims. No new matter is added.

Reconsideration based on the above amendments and the following remarks is respectfully requested.

I. Rejection Under 35 U.S.C. §102

The Office Action rejects claims 17, 18 and 21-31 under 35 U.S.C. §102(e) as being anticipated by Uyama et al., U.S. Patent No. RE 38,321 (hereinafter "Uyama"). This rejection is respectfully traversed.

Without conceding the propriety of the rejection, claim 17 is amended to incorporate the subject matter of non-rejected claim 19. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

II. Rejection Under 35 U.S.C. §103

A. Claim 19

The Office Action rejects claim 19 under 35 U.S.C. §103(a) over Uyama in view of U.S. Patent No. 6,641,874 to Kuntz et al. (hereinafter "Kuntz"), and further in view of U.S. Patent No. 5,005,719 to Phillips et al. (hereinafter "Phillips"). By this Amendment, claim 19 is canceled, rendering its rejection moot; and the subject matter of claim 19 is incorporated into claim 17 and, thus, this rejection is respectfully traversed with respect to claim 17.

Claim 17 recites (emphasis added):

A discrimination medium for determining authenticity of an object by providing an optically discriminating mark on the object, the medium comprising:

a multilayer thin film having light selectivity of reflecting characteristics depending on a viewing angle, and

a support body where the multilayer thin film fixed or a masking sheet fixed to a surface of the multilayer thin film for masking a part of the surface, wherein
the multilayer thin film is cut into strips or fibers,
the multilayer thin film is held between the support body divided into two layers, and
one or two layers of the support body have an opening to allow the multilayer thin film to be seen.

Claim 17 requires a discrimination medium for determining authenticity of an object by providing an optically discriminating mark on the object. The medium includes a multilayer thin film having light selectivity of reflecting characteristics depending on a viewing angle, and includes a support body where the multilayer thin film or a masking sheet is fixed to a surface of the multilayer thin film for masking a part of the surface. The multilayer thin film is cut into strips or fibers, and the multilayer thin film is held between the support body divided into two layers. Moreover, one or two layers of the support body have an opening to allow the multilayer thin film to be seen. Uyama, Kuntz and Phillips, considered either separately or combined, fail to teach or suggest each and every feature of claim 17 and, thus, would not have rendered obvious claim 17.

The Office Action acknowledges that Uyama fails to teach the cutting and shaping of the multilayer thin film and one or two layers of the support body have an opening to allow the multilayer thin film to be seen.

The Office Action asserts that Kuntz teaches "wherein the multilayer thin film is cut into strips or fibers, the multilayer thin film is held between the support body divided into two layers (Kuntz: column 2, 19-25)." See Office Action, page 6. Applicants respectfully disagree.

Kuntz, col., 2 lines 19-25 recites:

Other embodiments of the invention will be readily apparent to those of skill in the art.

The term 'film' as used in this application includes self-

supporting, i.e. free-standing, films that show more or less pronounced mechanical stability and flexibility, as well as coatings or layers on a supporting substrate or between two substrates.

Nowhere does Kuntz teach that the multilayer thin film is cut into strips or fibers.

Despite its asserted teachings, Phillips does not cure these deficiencies of Uyama and Kuntz with respect to claim 17.

Moreover, Uyama discloses a **transparent** hologram seal (See Uyama, col. 1 lines 1-14 and Abstract) and, thus, one of ordinary skill in the art would have no reason or rationale to use an opening to allow the multilayer thin film to be seen. Accordingly, one of ordinary skill in the art would have no reason to combine Uyama and Kuntz with Phillips and then to modify the resulted combination to practice the claimed invention.

Therefore, for at least the reasons discussed above, Uyama, Kuntz and Phillips, considered either separately or combined, fail to teach or suggest each and every feature of claim 17 and, thus, would not have rendered obvious claim 17.

Furthermore, the applied references are combined only based on the impermissible hindsight provided by the present disclosure, and even in combination the references would not have rendered obvious the method of claim 17.

Accordingly, claim 17 would not have been rendered obvious by the applied references. Thus, claim 17 and its dependent claims are patentable. Accordingly, reconsideration and withdrawal of the rejection are earnestly solicited.

B. Claim 20

The Office Action rejects claim 20 under 35 U.S.C. §103(a) over Uyama in view of Kuntz. This rejection is respectfully traversed.

Claim 20 depends from claim 17 and, thus, requires all the limitations of claim 17. As indicated above, without conceding the propriety of the rejection, claim 17 is amended to incorporate the subject matter of non-rejected claim 19. Thus, the deficiencies of Uyama and

Kuntz with respect to claim 17 are equally applicable to claim 20. Therefore, the rejection is overcome. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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